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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 DONALD WRIGHT,) CASE NO. C09-0161-JCC-MAT
09)
Petitioner,)
10)
v.) ORDER RE: MOTION FOR
11) RECONSIDERATION AND LETTER
MAGGIE MILLER-STOUT,)
12)
Respondent.)
_____)

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14 Having considered petitioner's motion for reconsideration (Dkt. 16) and letter (Dkt. 20),
15 the Court hereby ORDERS:

16 (1) Petitioner asks that the Court reconsider its Order granting respondent an
17 extension of time to file an answer. (See Dkt. 15.) However, respondent reasonably requested
18 a month-long extension to file the answer given that counsel had not then received the complete
19 state court files and due to counsel's heavy work load. Petitioner's arguments in support of his
20 request for reconsideration are baseless. Petitioner's motion for reconsideration (Dkt. 16) is,
21 therefore, DENIED.

22 (2) Petitioner submitted a letter seeking clarification of the proper noting date for

01 respondent's answer. Petitioner correctly notes that respondent failed to note the answer for
02 the fourth Friday after filing, in accordance with Local Civil Rule 7(d)(3) and Federal Rule of
03 Civil Procedure 6(a)(1). However, this failure is now moot given that petitioner timely
04 submitted his response to the answer. The Court will, therefore, consider the answer according
05 to the current noting date. The Court also clarifies, in response to an additional question in
06 petitioner's letter, that under the "prison mailbox rule," pleadings filed by prisoners are
07 considered filed the day that the pleading in question is deposited in the prison mail system.
08 See *Houston v. Lack*, 487 U.S. 266, 270-71 (1988) (notice of appeal deemed filed on the day
09 that it was signed and delivered to prison authorities for mailing to the court).

10 (3) The Clerk is directed to send a copy of this Order to the parties and to the
11 Honorable John C. Coughenour.

12 DATED this 3rd day of June, 2009.

13 s/ Mary Alice Theiler
14 United States Magistrate Judge
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